

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2
3 In the Matter of)

4)
5 MUR 6028)

6 DREW EDMONDSON)

CASE CLOSURE UNDER THE
ENFORCEMENT PRIORITY SYSTEM

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9 **GENERAL COUNSEL'S REPORT**

10 Under the Enforcement Priority System, matters that involve *de minimis* amounts in
11 violation _____

12 _____ are forwarded to the Commission with a recommendation for dismissal. The
13 Commission has determined that pursuing such matters compared to other more substantial
14 matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to
15 dismiss these cases.

16 In this matter, the alleged amount in violation is \$350, a low dollar amount relative to
17 other pending Enforcement matters. The complainant in this matter alleges that Drew
18 Edmondson, the Attorney General of Oklahoma, made prohibited contributions in the name
19 of another to federal candidates and knowingly permitted his name to be used to effect
20 prohibited contributions, in violation of 2 U.S.C. § 441f. Specifically, the complainant
21 alleges that on April 8, 2004, Edmondson contributed \$250 to Brad Carson, a candidate for
22 the United States Senate, and on August 22, 2005, contributed \$100 to Dan Boren, a
23 candidate for the United States House of Representatives. Edmondson made these
24 contributions from his personal funds and was later reimbursed by his State Attorney
25 General's campaign committee. The complainant alleges that the violations were a knowing
26 and willful attempt to circumvent Oklahoma law, which prohibits candidate to candidate

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1 contributions, and that Edmondson's actions resulted in a knowing and willful violation of
2 the Federal Election Campaign Act ("Act").

3 In his response, Edmondson explains that the contributions were in the form of
4 payments for events sponsored by the recipient committees, which he personally attended.
5 Edmondson also claims that he initially believed that reimbursement by his own campaign
6 committee was proper under Oklahoma law, as authorized reimbursements for expenses
7 related to "political activities." However, in April of 2007, the Oklahoma State Ethics
8 Commission determined that the reimbursements from his campaign committee were
9 improper under Oklahoma law. Consequently, Edmondson reimbursed the full amount to his
10 campaign committee. Edmondson also maintains that the reimbursed contributions in this
11 matter were not prohibited by the Act, because each contribution was made with a personal
12 check and in his own name.

13 It appears that Edmondson acknowledges that he made the contributions with
14 personal funds and was later reimbursed by his state campaign committee. Thus, the net of
15 effect of his actions was that the contributions were effectively made by Edmondson's
16 campaign committee to recipient committees in Edmondson's name.

17 In light of the *de minimis* dollar amount of the violations presented in this matter and
18 because Edmondson cured the violations by reimbursing his campaign committee for the
19 reimbursed contributions, the Office of General Counsel believes that the Commission
20 should exercise its prosecutorial discretion and dismiss this matter in furtherance of the
21 Commission's priorities and resources relative to other pending Enforcement matters. See
22 *Heckler v. Chaney*, 470 U.S. 821 (1985). Additionally, this Office recommends that

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Edmondson be admonished for violating the Act's provisions regarding making or effecting prohibited contributions in the name of another.

RECOMMENDATION

The Office of General Counsel recommends that the Commission dismiss MUR 6028, admonish Drew Edmondson, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters

9/9/08
Date

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